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**TO WHAT EXTENT WILL POLICE DISCIPLINE BE REDEFINED
BY THE YEAR 2001 ?**

BY

SUSAN M. RHILINGER

COMMAND COLLEGE CLASS XIV

PEACE OFFICER STANDARDS AND TRAINING (POST)

SACRAMENTO, CALIFORNIA

JUNE, 1992

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This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

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EXECUTIVE SUMMARY

As the decade unfolds, public attention has been riveted on sequential incidents of police misconduct across the nation which have been brought into most homes by means of the electronic media. Although police actions might have changed very little over the years, technology has now publicized that activity. The perception of the viewing public is that local police agencies have little or no control over their employees. This study focuses on the methodology by which police agencies can gain compliance with their established policies and procedures, thus enhancing the public perception of police discipline.

A literature scan was conducted, followed by questionnaires and interviews with subject matter experts. A Nominal Group Technique was used to formulate a rank-ordered list of trends and possible future events which might impact the study issue. This same panel then identified which trends should be further considered for long-range strategic planning; forecasted the level of these five target trends five years ago, as well as five and ten years from now; rated the probability of the five most significant events actually occurring within the next decade, and the impact each event would have on the study issue if it were in fact to occur.

From this information, three possible future scenarios were written. Using the Torrance Police Department as a study agency, and based on the Normative Scenario (what the future should be), a Mission Statement was drafted. After conducting a situational analysis of the study agency and its internal and exterior impacting factors, a Modified Policy Delphi was used to identify policy alternatives.

Stakeholders and their positions on the issue were discussed before a strategic plan to implement an enhanced inspectional process was presented. Emphasis was placed on supervisory exposure to the community served as well as to the broader law enforcement community. Responsibility for the success of Departmental discipline was shared among all supervisors via a system of quarterly audits conducted by varying teams of department supervisors who would be responsible to investigate one given situation or condition to conclusion. The inspectional process would be administered by a manager reporting directly to the Police Chief, and results of inspections would be required to be published for the benefit of the entire Department.

The study includes a transition management plan and a discussion of various negotiating techniques to support the implementation. The study confirmed that drastic measures are needed to address the issue of police discipline. The problem has escalated beyond the reach of defensive tactics and citizen pacification. Nothing short of full disclosure and an openness to community involvement will satisfy the public, or alleviate the suspicion and hostility which it feels toward police. The task of seeing that the community gets the reassurance and participation it desires, is the responsibility of every police officer, but in particular, every police supervisor and manager.

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CHAPTER I

DEFINING THE ISSUE AND SUB-ISSUES

INTRODUCTION

Discipline, or the absence thereof, has a far-reaching impact on society, and is a source of fascination for many individuals. Recent well-publicized events involving several police departments, have focused public attention on the issue of police discipline and accountability. The magic of the media has brought police misconduct into every living room on a daily basis, generating a perception that many, if not all, police agencies are unable or unwilling to control the actions and attitudes of their officers. Citizens are demanding assurances that inappropriate activities and attitudes are being promptly and effectively remediated. As police agencies struggle to provide that reassurance, they are discovering that their disciplinary control methods have not been all that effective. New methods and approaches to improve police discipline and accountability will need to be considered.

In order to help identify those methods with the greatest probability of success, this futures study was initiated to address the question:

TO WHAT EXTENT WILL POLICE DISCIPLINE BE REDEFINED BY THE YEAR 2001?

BACKGROUND

For many years there has been continued interest in some form of civilian involvement in police disciplinary action, although the form of that involvement has been controversial:

After the Watts Riots in 1965, the McCone Commission called for the creation of an Office of the Inspector General to investigate all civilian complaints against the Los Angeles Police Department (LAPD).

This unit of both sworn officers and civilians would operate outside the normal chain of command, reporting directly to the Police Chief. The Commission rejected calls for a Civilian Review Board, saying it would adversely affect the effectiveness of law enforcement.

At about the same time, Alfred C. Germann, member of the American Civil Liberties Union (ACLU), retired Professor of Criminology at Long Beach State, and former LAPD officer, admitted that: "There is no need for a Civilian Review Board as long as the Police Chief can assure its citizens of fair, timely investigation of misconduct." ¹

As early as 1974, Chicago established an all civilian unit, the "Office of Professional Standards", to investigate all cases of excessive force.

According to a Los Angeles Times report, at least fifty cities across the United States have already established Civilian Review Boards, although their authority varies and none have the power to impose discipline. Yet despite society's efforts to monitor the conduct of local police agencies, and despite the efforts of law enforcement managers to improve their own internal disciplinary operations, police discipline continues to be a concern. ²

PRESENT CONDITIONS

Literature scanning provided some insight into the general perception of discipline today. The problem is seen to be very basic and all-pervading:

Discipline never used to be a dirty word. We are so scared of the "D" word nowadays. We want to be liked by our children; we sympathize with misbehavior rather than giving consequences for misbehavior. ³

Most businesses share this concern with balancing effective discipline against maintaining harmonious personal relations. Often it results in poor interpersonal communications:

Nine times out of ten, when you talk to a person about what comprises an "excellent", "acceptable", or "poor" performance, they won't know, but their managers think they do. . . . By explaining what performance is expected, the company may be able to retain the worker and gain a better performance. ⁴

As the discipline issue is focused on police agencies in particular, the problems are compounded by the concerns with crime rates, customer (citizen) satisfaction, and the financial impact of a single incident of police misconduct on municipal coffers. Daily newspaper articles increasingly suggest Civilian Review Boards and Police Commissions as a solution to the problem of effective police discipline. Most recently, the Christopher Commission, in investigating the Rodney King beating and the internal operations of the LAPD, has recommended stronger civilian input into LAPD disciplinary policies and procedures.

Some believe the power of the police agency to control the behavior of its employees is limited:

At best, a department can set its attitude toward how an officer should behave with violators of the law. This enforcement policy is almost never written down, consisting instead of a collection of attitudes and expectations held by officers and supervisors and supported, or at least not discouraged, by the formal reward system of the department. ⁵

Others, while placing the responsibility for police misconduct at the top administrative levels, at least offer the hope for some disciplinary control:

Administrators set the tone or culture for a department. If this culture is not spelled out in distinct terms and actions, then members will develop their own. ⁶

Still others put more emphasis on the first-line supervisor as the best hope for assuring compliance with disciplinary expectations:

I have never seen a major scandal occur, wherein at least the first level of supervision didn't either know about it and didn't do anything, or was involved. You can name every scandal, and I can point to a sergeant who was aware of it. You really have to work hard with the first line of supervisors. They are your eyes and ears. And, if they don't know what's going on, they aren't doing their jobs. ⁷

Accountability is the hallmark of the New York City Police Department's system for addressing officer misconduct. Supervisors are held accountable for misconduct by their subordinates. Commanders are required to get personally involved in the civilian complaint process. ⁸

The community itself does not go without blame:

Police misconduct stems not just from the brutality of individual officers, but also from community ambivalence about the values they want the police to embody. ⁹

Eight subject matter experts in the field of Police Discipline, including members of the California Peace Officers Association Legal Advisors Committee, were contacted to determine their views on the major types of police misconduct today, the problems in the police disciplinary system, and what changes they would recommend for that system. These experts agreed on several points:

- * Most agencies lack a clear policy on officer conduct.
- * The majority of police misconduct is of a form which is either preventable or identifiable via appropriate supervisory activity and training.
- * Discipline is inconsistent, even within the same agency.
- * The formal disciplinary process inhibits the imposition of timely discipline.
- * There is a need for a pro-active disciplinary process in police departments.
- * Discipline is every police officer's concern, not just the responsibility of a few identified supervisors.

STATEMENT OF ISSUE AND SUB-ISSUES

Against this backdrop, this futures study was initiated to consider what the future needs of a police disciplinary system will be, and how law enforcement can do a better job in meeting those needs. To that end, the following question was formulated:

T. What Extent Will Police Discipline be Redefined by the year 2001?

To further define the issue, a small group of law enforcement managers brainstormed the critical sub-issues, and identified three sub-issues for further examination:

- 1) What will be the impact of community expectations for police discipline?
- 2) To what extent will management and supervisory training impact police disciplinary practices?
- 3) What will be the impact on legal judgments?

CHAPTER II

FUTURES STUDY

NOMINAL GROUP TECHNIQUE and FORECASTING

For a high-quality appraisal of this issue, a panel of eight experienced managers (Appendix A) was selected to participate in a Nominal Group Technique (NGT). The first task was to identify a list of developing trends that could have an impact on the manner in which police departments achieve compliance with their policies and procedures in the future. Twenty-five different trends (Appendix B) were identified by the panel, from which the following five were selected as most desirable for future forecasting on this issue. Forecasting data for these trends is found in Appendix B-2, with graphs of the data included as Appendix B-3.

1 - Litigious Society

The panel defined this trend by the number of civil actions filed, regardless of final disposition. As society's frustration with its inability to receive satisfactory performance, service, and responsibility from its police departments increases, civil litigation becomes an increasingly popular means of assuring that police managers and city officials listen to citizens' concerns.

The panel agreed that this practice should decline due to the development of a more cooperative relationship between police agencies and the public they serve. However, they concluded that the tendency to file lawsuits to resolve problems, will continue, until policies and practices of police agencies are seen to be more aligned with society's expectations. The panel believes that this will occur by the year 1996, at which point civil litigations will begin to decline to the present level.

2 - Level of Community Pressure for Police Responsiveness to Community Standards

With the increased media focus on "live" police action, which is a by-product of improved technology and public demand for reality-based entertainment, citizens are becoming more aware of police policy and practice. What was previously a remote possibility that might happen to somebody else, is now being brought into their own homes. Those who had never before seen some of the physical and emotional confrontations which mark criminal activity and apprehension, are now being exposed to it, and not liking what they see. Community expectations are being revised and voiced as never before.

The panel indicated that for all these reasons, community pressure for police responsiveness to community standards of behavior will increase gradually over the next five years, and then level off. Pressure should decrease by the year 1996, as police-community partnerships become more active and successful.

3 - Level of Meet and Confer Process Usage

As police agencies begin to develop improved working relationships with their communities, the emphasis on sharing ideas and working toward common goals will spill over into the inner workings of the police agencies themselves. Police departments will recognize that the manner in which the employee is treated, will impact on the attitude the officer projects with the public. Meet and Confer sessions will evolve from two opposing factions resolving differences, toward one circle of participants working together to improve the future.

The panel forecasted that this trend will increase very slowly, taking the full ten years to increase 40%. They forecasted that the trend should decline slightly from today's level, voicing the opinion that adversarial points of view can benefit the overall operation by assuring that divergent opinions are at least discussed and considered.

4 - Level of Confrontational Discipline

Union power was seen as an important consideration which will manage to keep the disciplinary process itself basically confrontational over the next decade. Although civil litigation and legal judgments will encourage employees toward appropriate behavior with greater success than either negative or positive discipline applied by supervision, long-standing labor distrust of management will impede any movement toward joint exploration of disciplinary alternatives in the foreseeable future.

However, in the normative forecast the panel felt that the trend toward Confrontational Discipline should show a gradual, continuing decline as trust is built and earned.

5 - Impact of the Civil Service System as Control Agents

Despite interest in Civilian Review Boards and increased citizen scrutiny, the Civil Service System remains as the primary external control agent for many police agencies. The panelists predicted that the impact of the Civil Service System will increase only minimally over the next decade, despite public demands for greater input into police department policies, procedures, and disciplinary controls. This will be

due in part to the strength of the police unions, and in part due to the failure of the Civil Service System itself to implement changes within its own organization to better serve the needs of both the employee and the police agency. In keeping with community demands for greater employee accountability for their actions, the panel felt the impact of Civil Service should decrease by one-fourth over the next decade to avoid the perception that city management, through its appointed commissions, is protecting the employees from public scrutiny.

The same group of experts then developed a list (Appendix C) of thirty-three separate events which, if they were to actually occur, could have a dramatic impact on the issue. This long list was reduced by majority vote to five key events to be studied further.

Forecasting data for these events is found in Appendix C-1, with graphs of that data included as Appendix C-2. The findings are summarized as follows:

1 - Elimination of the Civil Service System

Panelists discussed the issues that limited any measurable change in police disciplinary control, and viewed the Civil Service System as one of the largest impediments. Sympathetic hearing officers frequently reverse disciplinary action taken by management, and enact regulations which severely limit management's ability to take prompt corrective action.

However, although the panel felt that elimination of the Civil Service System would have an very strong impact on the issue, they determined that it would be at least twenty years before

the probability of the elimination of the Civil Service System, as it is known today, would exceed zero. Despite the fact that this event was not forecasted to occur within this decade, it was retained for this study due to the strength of its effect should it occur. Panelists felt that certain procedural changes would be implemented within this decade, particularly in regard to selection criteria and training for Civil Service Commissioners, which would dramatically improve its overall positive impact on police discipline.

2 - Changes in the Police Officers' Bill of Rights

Given the public demand for responsibility and control, the probability of substantive changes in the procedural guarantees provided by the Police Officers Bill of Rights was seen likely to first exceed zero within three years, with a 50% chance of change within five years increasing to an 85% probability by the year 2001. The impact, both positive and negative, on the issue of police discipline, were determined to be strong, as the changes could once again shift the balance of power from union to management.

3 - Employee Contracts for Hiring

Hiring employees by means of performance contracts was discussed as one method of assuring that employees knew exactly what performance was expected of them, and what the consequences of failure to meet that expectation would be. The problem of consistency would also be resolved. The group felt there was a 40% probability of occurrence within

five years, increasing to a 65% probability in the following five years. This event was seen as having an extremely high positive impact on police discipline, by enabling swift terminations when contract provisions are violated, and reducing the number and complexity of any appeals to Civil Service. The event would have only a moderate negative impact on the issue, should technical loopholes be discovered in the initial contracts.

4 - Limitation of a City's Tort Liability in Police Lawsuits

Given the present trend to resolve differences of opinion via civil litigation, the panel felt that a court decision which would limit a City's financial liability for the actions of its on-duty police employees, would be very likely by the year 2001. Rating it as having a high positive impact on the issue area, members viewed it as not impacting the issue negatively. At first glance this appears to be illogical, but panelists felt that agencies would be more open to public inspection and more inclined to acknowledge the need for change, if the spectre of huge financial penalties were not attached to such admissions.

5 - Establishment of Police Commissions/Civilian Review Boards

Although discussed at length over the years, the establishment of Civilian Review Boards and/or Police Commissions has never been accepted as an effective remedy for police discipline concerns. The panel forecasted that this would not have a probability of first occurring for at least three years, but would have a 50% probability by 1996 and a 80% probability of

occurrence within ten years. Positive and negative impacts of this event on the issue were equal, since the effectiveness of the event would be contingent upon the integrity and dedication of the commissioners selected.

CROSS IMPACT ANALYSIS

Using the data provided in the forecasting session, three police managers with Command College experience were asked to complete a Cross Impact Evaluation Matrix (Appendix D) in which the maximum impact of each of the five selected events on the other events and on the five selected trends was estimated, should each event actually occur. The following findings were reported:

E-1 Elimination of Civil Service

If Civil Service was in fact eliminated, hiring contracts would be a likely replacement for the management control and employee protections which the civil service system offers. Civilian Review Boards and/or Police Commissions would be viewed as more necessary than ever as alternative external review systems. Likewise, the elimination of the Civil Service system would be a further incentive for increased Meet and Confer sessions, would increase the incidence of Confrontational Discipline, and would eliminate the impact that the system had previously had on police discipline.

E-2 Changes in the Police Officers' Procedural Bill of Rights

If the Police Officers' Procedural Bill of Rights were significantly changed, it could generate an increased interest in the elimination of the Civil Service System, facilitate the move toward hiring via employee contracts, and clear the path for Civilian Review Boards and/or Police Commissions. The balance of power in Meet and Confer sessions would be altered, and the latitude allowed to the Civil Service Commission during disciplinary appeals would be changed.

E-3 Employee Contracts for Hiring

Should cities begin to hire police officers on a contract basis, the need for a Civil Service System would be greatly reduced (increasing the likelihood of its elimination); Procedural Bill of Rights would need to be altered to address the problems created by contract limitations; community pressure should ease somewhat as citizens are able to see written documentation of expectations and consequences for employee performance. By definition, confrontational discipline would increase as the terms of the contract were enforced, and the impact of the Civil Service System would decrease as its role became secondary to the contracts themselves.

E-4 Limitation of the City's Tort Liability

If the City's tort liability were actually limited by legislative action, the propensity for filing lawsuits would decline as civil litigation based on a desire for monetary gain alone, were abandoned. Community pressure to be responsive to their expect-

ations would escalate dramatically as citizens began to feel the frustrations of being without any financial clout.

E-5 Police Commissions/Civilian Review Boards

Should Police Commissions/Civilian Review Boards be established, Civil Service Commissions would become redundant and obsolete, and their impact on the issue of police discipline would virtually disappear. Changes in the Police Officers' Procedural Bill of Rights would be necessary. As the Commissions become operational and their effectiveness is demonstrated, civil litigation should begin to decline and community pressure on police agencies will lessen as society allows the commission to enforce its concerns.

To more graphically illustrate the possible futures indicated by trend level forecasting, probability forecasting, and cross-impact analysis, the following three scenarios are offered. The first scenario presents a Nominal Forecast, describing what the future will most likely be, without any of the forecasted events occurring and without imposing any new policy and procedure changes. The second scenario describes a Normative Forecast, what the future should be. The third scenario is Hypothetical, an account of what the future would be, if any of the events which were forecasted to have greater than a 30% probability of occurring, did in fact occur.

SCENARIO ONE

July, 2001 Police Chief's Report to the City Council

"Honorable Mayor and Members of the City Council: Once again we are faced with a multi-million dollar lawsuit against the City and the

Police Department, alleging that certain police officers have violated the rights of the plaintiff, and that the Police Department has been ineffective in controlling the actions of these officers. This lawsuit demands punitive damages against your honorable body, as well as against myself and certain other named police managers, supervisors, and officers. Lawyers for the plaintiff claim that we have not learned from our past problems. They label us as unresponsive to the expectations of the community, and claim that our training programs are ineffective. They are not satisfied with the efforts we have made to gain compliance with the policies and procedures which govern the conduct of our officers.

As you know, the Police Department has faced numerous similar lawsuits in the past. Our Personnel files and policy manuals have often been subpoenaed. Each time this has occurred we have reviewed our policies to seek improved methods of operation.

Our officers have been subject to punitive damage awards on several occasions, and we have appreciated your willingness to assume responsibility for these fines in the past. We recognize that the decision to do so has not been easy or popular. The dire financial straits in which the City now finds itself are due, in large part, to these substantial awards.

Despite continued difficulties with a Civil Service Commission whose decisions in disciplinary hearings expand the rights of the employees, overturn solid disciplinary decisions, and weaken management rights, the Police Department has listened to the advice provided by our attorneys. Our Training Records, Policy and Procedure Manual, and record of progressive discipline will stand this new court test."

SCENARIO TWO

July, 2001 excerpt from Police Chief's Memo to City Manager

" The Police Department is pleased to report that we have closed the 2000/2001 fiscal year with no lawsuits filed against the Police Department for police malpractice. This is our third straight year of reduced citizen complaints, a situation which we attribute to the many changes which have occurred over the past decade.

The Rodney King incident in 1991 brought attention to the need for greater self-discipline within police organizations. The pressure brought to bear by community and media groups against police managers who failed to take prompt, decisive action in these cases had the desired effect. Police Departments across the State, including our own, have taken a fresh look at community expectations for police performance and discipline. Personal and professional bonds have been built with the community which help police managers define these expectations and assure the community that their input is both appreciated and implemented.

Our renewed emphasis on supervisory and management training has resulted in greater consistency in the enforcement of department policies and procedures. We have found that improved definition of our expectations for employee behavior, and the consequences for failure to meet those expectations, has put the employee himself in control of his discipline. Supervisors have been empowered to take swift, remedial action when the first indications of disciplinary problems are noted, eliminating the development of many of the more serious disciplinary problems of the past. Both supervisor and subordinates have more confidence in themselves and their ability to

perform their assigned tasks.

Community support is at an all-time high, and peer pressure and/or counseling discourages aberrant behavior."

SCENARIO THREE

July 2001, excerpt from Police Chief's speech to the League of California Cities annual conference:

"Overall, police management is much stronger today than at any other time within the past decade. The turbulence of the early 1990's opened the door for changes in union-management relationships which have changed the way police departments handle internal discipline.

Following the Rodney King incident of 1991, Senate Bill 3998 was introduced in late 1992 and received overwhelming support as a mandate for Civilian Review Boards for all law enforcement agencies in California. Once the initial successes of Civilian Review Boards became apparent, and communication between police departments and their communities began to improve, further civilian involvement was deemed appropriate and desirable.

Police Commissions were instituted in the mid-1990's to allow citizen participation in the formulation of police policy and procedure. As citizens began to see their control over police misconduct increase, and made their expectations well known within their communities, police officers began to respond positively. This attitudinal change can also be credited to the tenuous financial situation faced by police officers as punitive damages in civil litigation of police misconduct cases increased.

The success of Civilian Review Boards in turn strengthened the position of the National League of Cities as they petitioned Congress to expand local government immunity in claims of police misconduct. The unions were now in the unfamiliar position of being forced to work with management in order to provide any litigation protection for their members. Changes in the Police Officer Bill of Rights were enacted in the late 1990's, codifying the stronger management position in disciplinary matters. Police unions lobbied Congress for redress, but by then the issue was too hot for politicians.

Today police management is stronger, police discipline is more effective, and police-community relationships are more cooperative than ever before."

CHAPTER III

STRATEGIC MANAGEMENT PLAN

INTRODUCTION

To facilitate the development of a strategic plan and a transition management plan, based on the desired future (Scenario Two), a study agency was needed which would provide dimension to the problems and challenges which might be expected to be encountered. The Torrance Police Department, a mid-sized police agency with 238 sworn and 80 full-time civilian employees, was selected as this study agency.

Before consideration could be given to alternative policies and strategies to address the issue of police discipline in the coming decade, it was necessary to establish a point of reference which clearly states that which is desirable to attain. Since the Torrance Police Department does not have a formal Mission Statement at this time, it was necessary to formulate one before proceeding further. Every employee of the Department attended a workshop on "Values and Ethics" which was designed to elicit a common understanding of what the agency as a whole believes to be of importance to overall operation. The following Mission Statement reflects the proposed values for the Torrance Police Department relative to police discipline:

MISSION STATEMENT

The Torrance Police Department believes that prevention is the most effective method to reduce employee misconduct. To that end the Department will:

- * strive to identify and eliminate any inappropriate policies, procedures and conditions which contribute to such misconduct.

- * provide skilled and ethical management to assure that police employees act in accordance with established policy.
- * accept and investigate all complaints of employee misconduct or wrongdoing from any citizen or department employee.

Failure to adhere to established standards of official conduct shall result in prompt and effective disciplinary action.

SITUATIONAL ANALYSIS

The societal environment provides both support and resistance to the accomplishment of the above mission. In support of the mission is the increasing community pressure to provide disciplined police service and be responsive to citizen complaints when an aberration occurs. The proliferation of video camera use, and the budding financial incentives to use those cameras to provide video footage for the news media, also provides incentive to law enforcement to assure that their organizational house is kept clean and controlled. Civil litigation as a resolution to negative performance has become a financial incentive to the employee to conform with officially approved policy and procedure. As women achieve management and executive positions, their emphasis on interpersonal skills, rather than use of force, will have a positive impact on the training and policy directives provided by the organization.

Even as these trends work to support the mission, other trends and events are taking place which provide serious obstacles for its success. A general lack of respect for authority and a more violent society work together to convince law enforcement officers that they must isolate themselves among their own kind, keep the general public at arm's length, and be suspicious of everyone with whom they come in

contact. It has become very easy to lose sight of the fact that the ordinary "good citizen" has contact with police on occasion too, and should not be treated in the same manner as psychopathic murderers. This same violent, disrespectful society produces the new police workforce. Their independent point of view extends to the workplace, making it more difficult to gain full compliance with policy and procedures. Now employees want to know "why", and yet are incensed when that same question is asked of them by citizens, complainants, and suspects they come into contact with during the course of their routine duties. With the current problem obtaining affordable housing within the same community in which you work, this alienation from "normal society" puts the police officer even further out of touch with the community served.

Not knowing (or accepting) the norms of the local community, the officer develops an individual set of operational values and imperatives as being more practical and effective for the work done, and which the officer is convinced no one else understands. These attitudes, perceptions, and personality characteristics work together to impede the mission of the police department to assure a well-disciplined organization to accomplish its goals.

WOTS UP ANALYSIS

The overall environment of the Torrance Police Department was evaluated by means of a WOTS-UP analysis. This analysis includes the consideration of all possible factors within the selected environment which could be viewed as Weaknesses, Opportunities, Threats, or Strengths. For the Torrance Police Department this included:

1. Weaknesses

- * Heavy management turnover due to retirements is resulting in the loss of critical management expertise and experience.
- * A flood of paperwork related to the development of new policies and procedures cannot be adequately handled by the present limited staffing.
- * 60% of the sworn employees presently reside outside the City, and have few local contacts in the community.
- * A large percentage of employees have become complacent over the years. They are satisfied with the present level of service and professionalism, and see no need for self-improvement.
- * The organization offers no incentive for higher education or a greater level of community involvement by individual employees.

2. Opportunities

- * The Chief of more than 22 years has just retired.
- * The new Chief is from outside the Department, bringing fresh ideas and lacking preconceived bias.
- * 50% of present management staff will retire within next two years.
- * City management, although satisfied with the service being provided by the department, is supportive of efforts to revitalize Police Department operations.

3. Threats

- * Several recent, highly publicized misconduct incidents have brought adverse publicity to the agency.
- * Large financial losses, due to police misconduct lawsuits and financial management problems, have contributed to a very tight fiscal situation which will limit the cash available for new community-oriented policing programs.
- * A strong City Manager desires more direct control of the Police Department and greater input in policy decisions.
- * The new Chief is an ex-LAPD command officer. In view of the recent problems associated with that agency, his connection with LAPD and the perception that his ideas are LAPD sanctioned, could create unnecessary roadblocks to their adoption and implementation.

4. Strengths

- * The department enjoys an extremely strong base of community support
- * Employees are well-trained, highly skilled.
- * There are numerous energetic candidates for promotion with demonstrated ability to work together to achieve common goals.
- * Employees have a high degree of interest in providing community-based policing services.

STAKEHOLDER ANALYSIS

Stakeholders are defined as those groups or individuals who have a vested interest in a particular topic or issue. The following have been identified as stakeholders for this issue. The assumptions which each will probably hold regarding the issue are also indicated:

A. Citizens of Torrance

1. Complaints about the police must be heard and investigated fairly and impartially.
2. Citizens should be advised of the disposition of their complaints.

B. Police Officers

1. Discipline is already too strict.
2. Officers have the right to privacy in personnel matters.
3. Discipline should be uniformly administered.

C. Police Chief

1. Discipline has been fair and effective.
2. Citizens need to share their concerns, but they must trust the Department to manage employees.
3. The Police Department must do whatever is necessary to assure proper discipline.

D. City Manager

1. Wants some control over Police Discipline.
2. Tort liability demands that police discipline be improved.

E. Police Association

1. Discipline should be fair and impartial.
2. Discipline should be uniformly administered, but with due consideration for the unique circumstances of each situation.

F. Chamber of Commerce

1. Crime rates must be kept down.

G. Police Supervisors

1. Clear guidelines are needed which can be enforced uniformly.
2. The Police Department must reduce our liability.

H. City Council

1. Improved communication with the Police Department is needed to assure that constituents' concerns are being addressed.

I. Civilian Employees

- 1- Civilians are not police officers and should not be held to the same standards as a sworn employee.

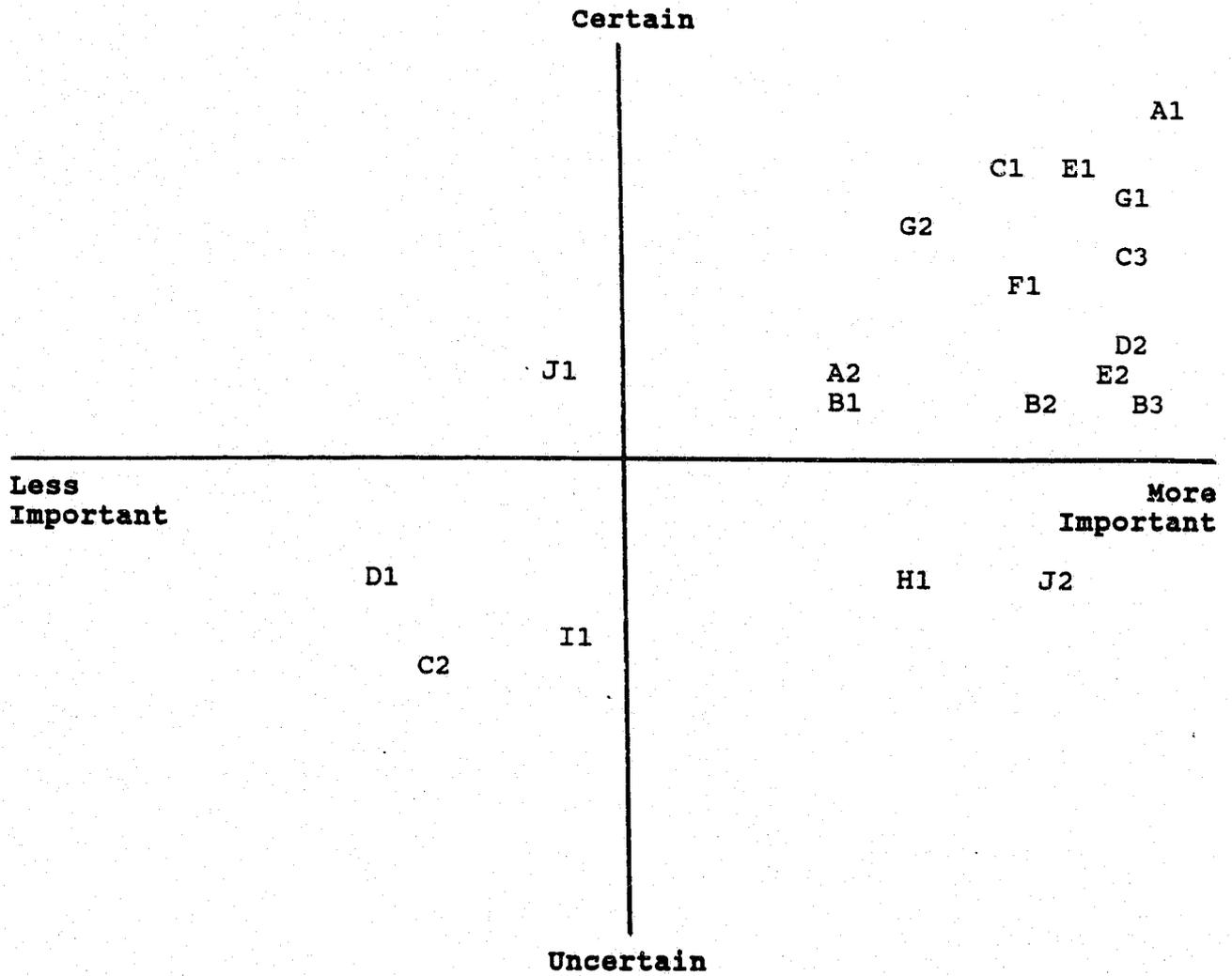
A Snaildarter is a group or individual who has the capacity to incapacitate a plan unless their concerns are disarmed. One snaildarter, and the assumptions regarding this issue, has been identified:

J. Snaildarter: City Personnel Director

- 1- The Personnel Department should handle all personnel matters, including Police Department personnel issues.
- 2- Disciplinary cases are often mishandled or poorly handled by the Police Department.

The relative importance and certainty of the above listed Stakeholder assumptions are depicted on the following Assumption Map:

ASSUMPTION MAP



POLICY ALTERNATIVES

In trying to determine a course of action for the future, it was decided that future events described in Scenario Two were most advantageous for the results desired. Since this was a Normative Scenario, based on what the future should be, strong policy and procedural changes would need to be implemented to facilitate its success. Policy alternatives should focus on reducing the number of civil lawsuits filed against the department, improving police responsiveness to community standards, reducing confrontational discipline, and managing the Civil Service System as a control agent. Using a Modified Policy Delphi process (described in Appendix E), the following policy alternatives for achieving improved police discipline were suggested:

1. Develop and publish a "Disciplinary Menu".
2. Institute a Total Quality Management Program.
3. Establish an internal disciplinary review board.
4. Provide improved supervisory development.
5. Create a community outreach program to identify and track community opinions and response to the Police Department.
6. Use a system of renewable employment contracts.
7. Formalize an internal inspectional unit.
8. Review related policy and procedure concerns and publish "after-action" reports.

Based on a comparison of the feasibility/desirability ratings provided by the eight police managers participating in the Delphi panel, three strategies were selected for further analysis:

Supervisory Development and the **Inspectional Process** were retained due to high scores (43 and 36 respectively), while **Total Quality**

Management was retained since it was the most polarized strategy suggested. Each of these three possible policy alternatives was then examined in terms of the possible Pros and Cons of each:

- 1- Total Quality Management - a participative management style in which employees in every rank and assignment share responsibility for developing policy and procedures to meet jointly identified goals and objectives.

Pros:

- * meets needs of the younger employees for involvement and participation in decision making
- * provides for a consideration of broad range of ideas
- * improved chance for success, since employees have a stake in the success of the projects implemented
- * problem-oriented process (successes quickly visible)
- * community perception as an open process

Cons:

- * Threatening to top managers/executives
- * Difficult for older employees to accept the demise of a military structure and chain of command
- * Potential conflict between sworn/civilian employees regarding equal footing in decision making
- * process not widely known among police agencies
- * success of the program is still unproven
- * loudest voice, rather than best idea, might win
- * expensive, time-consuming process

- 2- Supervisory Development - a systematic plan to assure that all supervisors and managers receive consistent personnel management training and experience, while providing maximum opportunity for exposure to a wide variety of community and professional contacts which might assist them in making quality policy decisions in the future.

Pros:

- * provides consistency in supervisory training
- * highly visible results
- * a strong defense for the City in civil litigation
- * increased credibility among subordinates
- * increased confidence for the supervisors
- * has potential for citizen involvement

Cons:

- * expensive initially (tuition, travel costs, etc)
- * does not guarantee consistency in application
- * time lapse while all supervisors undergo training
- * does not provide for direct involvement by citizens
- * does not address policy formation concerns

- 3- Inspectional Unit - a formal internal operational process by which management conducts random, routine audits of the actual daily activity of the Department and determines the degree to which actual practice meets established policy and procedural guidelines.

Pros:

- * more objectivity in policy reviews
- * provides an incentive for compliance with policy and procedure
- * pro-active approach
- * has potential for including aspects of other alternative policies (supervisory development, community outreach, after-action reporting)

Cons:

- * threatening to unit commanders
- * potential for conflict among managers
- * necessitates a very open mind and willingness to admit the existence of problems

Before deciding which of the alternative policies should be recommended for implementation, certain criteria should be considered:

- * Policy will improve the disciplinary system
- * Legal requirements can be met
- * Policy will not be cost prohibitive
- * Political and community support is likely
- * Labor union support of the policy is feasible

STRATEGIC PLAN

Having considered all aspects of the possible policy alternatives, and with consideration for the above listed criteria, the establishment of an Internal Inspectional Process, defined and augmented by aspects of the Supervisory Development alternative, was selected for implementation.

Although the basic concept of an Inspectional Unit has been considered by this agency in the past, it has always been perceived as too threatening to the independence, power, and control of top managers, and rejected outright. Given the unique changes now taking place within the Department, the concept is more likely to enjoy a greater degree of managerial support and acceptance if it is

re-introduced now as a method of improving overall discipline and fiscal responsibility.

Although the unit will be located organizationally within the Administrative Bureau, with the limited manpower available for this assignment, emphasis will be placed on team participation, with every supervisor on the Department included as a resource. The Inspectional Process will be three-pronged:

1- Community Involvement

Every Department supervisor will be required, as a condition of promotion, to become actively involved in at least one local community organization. The purpose of this involvement is to provide interaction with citizens and educate police supervisors to the needs and desires of the community. Community organizations to be targeted will include: Chamber of Commerce; business and professional organizations; service clubs; homeowner associations; Parent-Teacher Associations; and youth groups.

As the Inspectional Process is being developed, and periodically thereafter, supervisors shall be charged with obtaining community input on proposed policy and procedure changes which would impact community service. Annual surveys to measure to what extent community expectations are being met will also be coordinated through these supervisory contacts.

2- Supervisory Exposure

Supervisors will also receive further exposure to other City government operations by means of participation in inter-agency task forces and projects, and will be given the opportunity to participate

in committee work for such statewide police organizations as the CPOA. The purpose of these assignments is to educate police managers to legal trends and governmental concerns outside their limited sphere of influence. Supervisors will be expected to bring back to the Department for implementation, the legal technicalities, trends and new ideas which they learn about. Participation in these educational opportunities will be given favorable consideration during the promotional process.

3- Departmental Inspection

Quarterly inspectional audits will be conducted on specific areas of concern as determined by the Command Staff or community input. Teams of supervisors will investigate the issue and report their findings to the Chief. Comprehensive written recommendations for any policy or procedural changes identified as a result of the audit, would be prepared by the inspectional team. Random drawings will determine which supervisors serve on the actual audit team, with every supervisor being eligible, and no supervisor serving more than once per year. The senior member of the audit team will serve as Chair and will be responsible for completion of all reports.

IMPLEMENTATION PLAN

Having determined that an Inspectional Process, as a formal part of the Torrance Police Department's disciplinary operation, should be instituted, implementation could begin almost immediately. The Inspectional Unit should operate out of the Office of the Chief, with a Unit Coordinator (Lieutenant) as its only staff. Staffing for the unit could be obtained immediately due to the recent civilianization

of the Records Management function within the Department (freeing one Police Lieutenant for other duties). As the work of the Unit increases, clerical assistance may be required.

Since there would need to be a clear understanding among both the members of the Audit teams and the Command Staff, as to the authority and responsibility of the Unit, a Mission Statement, Performance Objectives, and Operational Guidelines should be drafted by the Unit Coordinator and approved by the entire Command Staff. Areas of particular emphasis and concern should be identified, but the Audit team must be permitted flexibility in the manner in which it operates. If everyone knows in advance everything which will be scrutinized, temporary changes could be instituted to bring the concerned problem into temporary compliance for the sake of the inspectional period, thus negating the purpose of the Audit team.

Once it is clearly understood "WHAT" the unit will do, the matter of "HOW" the unit will function should be addressed. Among the necessary resources would be: adequate office space, furnishings and a general operating budget. This entire formation period should require no more than one month's time.

Once the Inspectional Unit has become operational, an evaluation system would be required. Accurate statistics for the Unit's work would be maintained, with emphasis on the number of policy and procedure deficiencies which are identified and remedied. Changes in the number of personnel complaints originating from citizens should be noted, along with any decrease in civil lawsuits filed. Progress should be evaluated after six months of operation, and a full report made to the Chief and his Command Staff. Any operational problems which are identified should be re-negotiated at this time.

NEGOTIATING ACCEPTANCE

In negotiating the implementation of an Inspectional Unit within the Police Department organizational structure, the four phases of negotiating must be utilized. First, the negotiation presentation must be **PREPARED**. This includes careful thought as to which points can be negotiated, and which must be protected at all costs. For the Inspectional Unit this would include:

Non-Negotiable Points

- 1- The inspectional process must belong to an independent operational unit within the organizational structure. There can be no appearance of bias toward any one area of the overall operation, or any preferential treatment for one office or group of employees.
- 2- The Audit team must carry all its recommendations to conclusion. If a change in policy is determined to be necessary, the inspectional team must draft the formal language and present a written Staff Report to explain their position and the reason for the specific recommended changes. If this portion of the work were to be turned over to the Research and Training Section for processing, the backlog of projects would create unnecessary delays in securing approval and implementation of the new policy.
- 3- No area of the Department operation is "off-limits" for review by an Audit team. Policy, procedure, supervisory control, managerial competence, employee attitude, interface with other police departments and city operations, etc, must all be open to the constructive scrutiny of the team.
- 4- Some type of action must be announced for every recommendation of the Audit team. Whether the decision is to defer action to a later

date, or to implement the suggestions immediately, the entire Department must know that the work of the Audit Team is not being ignored. Announcement of a decision to set aside an Audit Team recommendation should include some explanation, since it will of course put additional liability on the Department if a deficiency is identified and then deliberately ignored.

Negotiable Points

- 1- Selection of the Audit team members need not be limited to supervisors. Although sufficient rank is needed at the Unit Command level to assure cooperation from other managers, it would be possible to have non-supervisory personnel involved in the inspectional process, including civilian employees.
- 2- The Inspectional Unit could be a collateral duty assigned to the Chief's Adjutant (a Lieutenant) instead of a separate unit reporting to the Chief. Some of the Adjutant's present duties might need to be shuffled to arrange for sufficient time for the Inspectional Process duties.
- 3- General areas of attention for the Inspectional Unit may be prioritized by the Command Staff, rather than allowing the unit itself to chose its focus. The Department Suggestion Box should also be considered as a source of potential direction.
- 4- The timeframe for establishing the unit can be extended if alternative staffing is elected, but in no case should the project be delayed beyond the current fiscal year.

Preparations must include consideration of what positions the various stakeholders in the issue will take. Stakeholders and their positions on the issue of an Inspectional Process would include:

Police Chief

- Points he will hold firm on:

- a) His personal agenda of operational concerns must be given some priority by the Inspectional Unit.
- b) All matters of managerial incompetence must be brought directly to his attention, rather than reporting to the Command Staff.
- c) He retains the right to final veto of any recommendations made by the Inspectional Unit and/or the Command Staff.

- Points on which he will be flexible:

- a) Selection of the Inspectional Unit members.
- b) Scope of the unit's investigations.
- c) Amount of Command Staff control over the Unit.

Police Association

- Points it will hold firm on:

- a) Staffing must not result in an overall decrease in the total number of sworn positions within the Department.
- b) Discipline recommended by the Inspectional Unit will follow the same procedures and appeal processes as other personnel investigations.

- Points on which it will be flexible:

- a) Changes in procedural "past practice" may be negotiated.

Police Officers

- Points they will hold firm on:

- a) No single Division should be repeatedly selected for special inspection or attention, to the exclusion of others.
- b) Disciplinary reassignments will not occur without the usual due process procedures.

- Points on which they will be flexible:

- a) Every policy and procedure may be reviewed and revised.

Civilian Employees

- Points they will hold firm on:

- a) The Inspectional Team should include a representative of the Department's civilian employees.

- Points on which they will be flexible:

- a) Every policy and procedure may be reviewed and revised.

City Personnel Director

- Points she will hold firm on:

- a) The Inspectional Unit should not be involved in the actual imposition of discipline after their investigation has been completed and presented to the Command Staff.
- b) All employee discipline resulting from the work of the Inspectional Unit should be submitted to her for review.

- **Points on which she will be flexible:**

- a) Operational procedures and scope of the Inspectional Unit.
- b) Staffing of the Unit.

Negotiations now proceed to the second phase of the process, **DISCUSSION**. This is a time where the issue can be presented as a general concept, and suggested as a possible solution to the overall problem of effective police discipline. As the discussions proceed, each stakeholder assesses their interests in the issue, and the relative weight of their position and that of the other stakeholders.

Specific **PROPOSALS** are made in the third phase of negotiation, after signals being given by the other parties at the negotiation table are recognized and a willingness to compromise in certain areas is identified. For the final phase of negotiation, **BARGAINING**, various methods of leverage can be used to control and motivate the other negotiating parties.

Negotiating strategies also vary according to the parties involved in the negotiations and the relative importance of the negotiation process to the relationship between the parties negotiating, and the flexibility of the topics being discussed. For the negotiations on an Inspectional Process for the Torrance Police Department, the leverage methods and negotiating strategies would change for each of the five major stakeholders.

The key stakeholder in this negotiation is the Police Chief. Unless he can be convinced that an Inspectional Unit will be efficient and effective in improving overall Police Department discipline, negotiations with other stakeholders would be pointless. **Psychological Influence** would be the most effective leverage to use in this negotiation, since the disciplinary process is an emotional issue

requiring an appeal to ethics, creativity and teamwork. Although more time-consuming than the other leverage methodologies, the importance of this portion of the negotiation justifies the time expenditure. His insistence on priority for his agenda of concerns could be accommodated, since his relationship to the Inspectional Unit is the most important issue to the success of the project. His insistence on having all managerial incompetence matters brought directly to his attention creates a "Mutual Gain" strategy for both sides. The Inspectional Unit wants to make sure the Chief knows about this type of problem and takes responsibility for immediate action to remedy it.

In negotiating with the Police Association, **Power** would be used as leverage. In order to succeed in getting the necessary manpower to staff the unit, a united front will need to be presented to the City Council and City Manager. Using the "Mutual Gain" strategy again, the benefits of trading one Police Lieutenant's position as Records Manager for a position as Chief's Adjutant and coordinator of the Inspectional Unit, can more easily be seen. The union would not lose any of its overall sworn strength, and would no longer have to deal with the problems resulting from one sworn officer managing an entirely civilian operation, about which he has no basic operational knowledge and very little interest. Their desire for assurance that the appeal procedures will remain constant can be accommodated easily, since that will have no impact on the operation of the Inspectional Unit itself.

Power leverage would also work best in negotiating with the Police Officers. Since the Inspectional Unit would want to study as many different areas of the Department as possible to identify problem areas, the Police Officers' insistence on having the process open to

all Divisions and Bureaus would be accommodated.

A **Psychological Influence** leverage approach would be used in negotiating with the civilian employees. They need to feel important to the overall success of the plan and the Department. Accommodating their demand for representation in the Inspectional Unit would help build a stronger working relationship with them, while providing the Unit with a new point of view.

The City Personnel Director requires special negotiating tactics. **Rationality** as leverage in negotiations would begin the long-term process of trust-building which needs to be addressed between the Personnel Director and the Police Department. Facts and figures would need to be presented for her review during negotiations. The recommended method of staffing the new unit through bartering already funded positions would be a compromise strategy. Her continuing desire for a greater involvement in overall Police personnel issues should be avoided as part of this negotiation process, since it is a volatile issue which cannot be easily resolved to the satisfaction of both parties.

Negotiations should stress the need for mutual gain as a strategy to combat outside forces (such as increased litigation, community pressures, statutory and case law, and intense media coverage), that threaten Police Discipline whether administered by the Police Department or by the Personnel Department.

CHAPTER IV

TRANSITION MANAGEMENT PLAN

INTRODUCTION

As the Strategic Plan begins to be implemented, certain steps must be taken to assure success by mitigating potential organizational resistance to the plan. For the study agency's implementation of an Internal Inspectional Process, such a Transitional Management Plan was created. The plan included the identification of potential necessary organizational change; the creation of a transition structure to manage the change as it is implemented; the completion of a Responsibility Chart to identify what specific tasks are required to be accomplished in order to implement the change and which specific individual will be responsible for each task; and the development of a mechanism for evaluation and feedback.

CRITICAL MASS

Essential to the development of a transition plan is the accurate identification of the Critical Mass, the smallest group of people whose support would be necessary to assure the overall success of the Plan. The following stakeholders have been identified as critical to the success or failure of the Strategic Plan:

- City Manager
- Chief of Police
- Administrative Bureau Commander
- Command Staff
- Police Officers' Association Board of Directors

City Manager

In the wake of several very costly lawsuits against the City and its Police Department, public support for the Police Department has been shaken. Many in the community have called for a "shake-up" within the Department in an effort to demonstrate a willingness to re-evaluate departmental policies and procedures, particularly those

that impact on Police Discipline. With the retirement of the Chief of Police, after twenty-two years of tenure in that position, a new Chief from outside the Department has been appointed to institute the necessary changes. Due to community and political pressure, the City Manager needs to "Make It Happen" in terms of this Strategic Plan. However, if the plan is to have any chance of succeeding, the rank and file officers cannot perceive this plan as something being forced on them from outside the Department. It must be presented as a Departmentally initiated and developed program. This means that the City Manager must be persuaded to take a significantly less visible role in the plan. Once the City Manager has delivered his message to the new Chief of Police regarding his view of the importance of this plan, the best strategy to assure that the City Manager remains quietly in the background as the plan is implemented, is for the new Chief to provide him with regular reports on the progress of the implementation plan. Once assured that the new Chief has the strategic plan well in hand, the City Manager will be content to "Let It Happen".

Chief of Police

Since the new Chief of Police is arriving from another agency, he is walking a narrow line between acceptance and hostility from line officers. A majority of department employees support strong change within the Department, although many hoped that the person to implement these changes would be from within the Department. Until he can establish his credibility and acceptance within the department, the new Chief would have more success in implementing change by working through his existing Command Staff. For this reason, although he both wants and needs to "Make It Happen", he should mellow his personal

position on the strategic plan to "Let It Happen". This has the benefit of allowing him greater time for settling into his new position and beginning similar strategic plans for other areas of concern.

Administrative Bureau Commander

The present Administrative Bureau Commander was the popular "inside" choice for the Chief's position. He has a strong base of support within both line and supervisory ranks, and has excellent organizational and team building skills. As the Administrative Bureau Commander he has responsibility for development of departmental policy and procedure, as well as the investigation of employee misconduct and the administration of discipline. For all these reasons he is the one individual who could have the greatest single impact on the success or failure of this plan. As an equal member of the Command Staff he has not been able to implement an audit system in the past due to a lack of peer support and sufficient position power. With the change in leadership and his reassignment as Administrative Bureau Commander, he now has sufficient power to make this plan succeed. In order to move him into the "Make It Happen" mode, he needs to be made to feel both needed and wanted by the new Chief. An appointment to the position of Project Manager would fulfill this need, as well as guarantee greater support for the project from other personnel who respect his talents and opinions.

Command Staff

The Command Staff is composed of Captains who serve as Bureau Commanders, and Lieutenants who serve as Division Commanders.

Historically this group has firmly opposed the establishment of a separate organizational unit responsible for broad inspectional processes. Individual Commanders have perceived this type of process as taking away some of their own power and control over their areas of operational responsibility. There was a common lack of trust which succeeded in preventing the implementation of this type of program. Given the changes presently taking place within the management team, the Department now has an opportunity to institute this strategic plan with a new group of managers who have not yet developed an isolationist attitude toward their area of responsibility. "Problem Finding" could be used in order to change their attitude from "Block It" to "Let It Happen".

Police Association Board

The Police Officers' Association Board has always worked in cooperation with Police Department management in organizational transitions and changes, although in the past few years a younger, more militant group of officers has moved to assume control of the Police Association Board. Officers share a common concern about any internal inspectional process: they see it as an opportunity for management to shift the emphasis from policy refinement to negative discipline, at the expense of the officer in the street. For this reason, the Police Association Board would take a "Block It" position in an attempt to protect their membership from an additional investigative unit which might lead to increased punitive action. In order to move the Police Association Board to a "Help It Happen" position, they should be offered a position on the Project Manager's team, with the opportunity for substantial, constructive input.

TRANSITION MANAGEMENT STRUCTURE

To coordinate the creation of a formal Inspectional Process within the Police Department, the Administrative Bureau Commander would be named as Project Manager. He would be assisted in his work by a committee of individuals who would represent each of the Bureaus/ Divisions within the Police Department, as well as representatives from each of the employee associations. The committee should also be representative of all ranks and job classifications within the Department (diagonal slice). Although the actual composition of the Committee should be made by the Project Manager, a suggested list would be:

- * Administrative Bureau Commander (Project Manager)
- * Internal Affairs Sergeant (Personnel Division)
- * Research Officer (Research and Training Division)
- * Civilian Crime Analyst (Records Division) - female
- * Lead Jailer (Services Division)
- * Patrol Officer (Patrol Bureau)
- * Motor Officer (Traffic Division)
- * Juvenile Section Sergeant (Detective Division)
- * Lieutenant (Vice & Narcotics Division)
- * Police Officers' Association Vice President
- * Radio Dispatcher (AFSCME representative) - female
- * Records Clerk (TCEA representative) - female
- * Emergency Services Analyst (TPSA representative) - female

This type of structure is appropriate for a number of reasons:

- 1- it would assure that the single most influential person in the Department, in terms of the success or failure of this strategy, is made responsible for its success.

- 2- it would place primary responsibility for development of a new method to improve Department policies, procedures, and disciplinary control, with the Commander of the Administrative Bureau which is presently responsible for such matters.
- 3- it provides every organizational unit with an opportunity for input during the design of the new Inspectional Unit through representation on the Program Manager's team.
- 4- it re-assures employee representation units by allowing them equal input as the project develops.
- 5- it provides a vehicle for progress reports which can be circulated to the City Manager to keep him apprised of activity without putting him into a prominent role.

All committee members would have equal standing, with the Project Manager serving as the Committee Chair. The designated committee members would be responsible for completing all necessary research, and all written reports and proposals. All members would participate in their committee work in an "on duty" status, regardless of whether they represent an employee union or a departmental unit. Membership in the committee may be expanded as required to assure that the work proceeds quickly and efficiently, and smaller task forces may be formed within the committee to resolve areas of potential concern as they are identified. The Project Manager would be responsible to assure that progress reports are submitted to the Chief of Police at least monthly.

TRANSITION TECHNOLOGIES AND METHODS

Once the Committee has been selected, the work which needs to be accomplished must first be identified, and then a basic time frame for completion must be established. Working first individually, then as a group, the committee should complete a Responsibility Chart to identify who will be responsible for the completion of what task,

whose approval will be needed along the way, who will be called upon to support the work, and who merely needs to be informed as the work progresses. Among the basic tasks which should appear on the Responsibility Chart would be:

- * Definition of Values
- * Securing Management and Employee Commitment to plan
- * Quarterly Inspectional Team Selection Process
- * Inspectional Team Performance Standards
- * Inspectional Team Rating System and Form(s)

The use of Responsibility Charting assures that every committee member participates fully and no task is inadvertently neglected.

A sample Responsibility Chart is provided as Attachment G. As work on the Strategic Plan proceeds, regular reports to the Chief need to be augmented with public communications to keep all Department employees advised of the approaching changes. General comments and suggestions should be encouraged during the planning process, and actively solicited by the individual committee members from their constituents.

EVALUATION AND FEEDBACK

Once the Plan has been drafted and approved for implementation by the Chief of Police, a trial period of up to one year should be announced, during which any employee representation unit, individual employee, or organizational unit may submit complaints, concerns, or congratulations to the Project Manager for his review. The trial period would serve to allay employee concerns by allowing them an opportunity to see the plan in action and voice their own opinion of that activity before the plan was finalized, and would allow the committee to identify and correct any previously unrecognized operational problem areas. At the completion of the trial period, the

committee would reconvene to jointly review and adjudicate any unresolved issues and concerns before making their final recommendation for formal approval by the Chief of Police.

CHAPTER V

CONCLUSIONS/RECOMMENDATIONS

CONCLUSIONS

During the course of this study, police discipline evolved into what historians might someday describe as THE topic of the 90's. One after another "isolated incident" of police misconduct was captured on videotape and dissected for the public by the news media. As this study closes, answers to the Issues and Sub-Issues are needed:

To what extent will police discipline be redefined by the year 2002?

It is clear that the military discipline system of the past has been ineffective for police agencies. Public entities have failed to keep pace with societal changes, and have erected defensive walls around departmental policies and procedures to avoid any outside scrutiny or input. Police managers must raze those barriers, construct bridges between their organizations and the community they serve, and open their eyes to the failures of the police disciplinary system. It is too late for defensive tactics; aggressive reform and community outreach are required. By the year 2001 those barriers will be down and the new bridges will be firmly in place, cemented by friendship and respect instead of fear and domination.

What will be the impact of community expectations for police discipline?

Community expectations will be the single most important factor in changing the face of police discipline. Until the community is heard and satisfied, police departments will face continuing criticism, litigation, and political interference. Once the police-community partnership has been established, and regular

contact with police managers assures the community that their concerns and interests are being addressed by the police agency, public confidence in the remediation of individual lapses in police discipline will follow.

To what extent will management and supervisory training impact police disciplinary practices?

Training, in its broadest sense, will be the catalyst which will ensure a successful transition to an improved police disciplinary system. Personal contacts will replace books as the best source of management information. It will no longer be enough to train police managers and supervisors in management styles and supervisory procedures. Future police supervisors and managers must know and accept the ethics and values of the community they serve, and be willing and able to incorporate those ideas into the policy and procedures of their department.

What will be the impact on legal judgments?

As the activity and demeanor of the police agency are brought into alignment with the expectations of the community, the perception of police discipline will improve. Civil litigation should be reduced in proportion to the overall satisfaction of the community with its police service, and jury decisions should reflect that same level of overall satisfaction.

RECOMMENDATIONS

Given the community sentiment regarding police discipline and the desire for more responsive police service, a more aggressive community outreach program should be implemented. The program should extend

beyond the Community-Based Policing concept of Lead Officers and Neighborhood Watch, to assure regular interaction between supervisory and management level personnel and the community. A solution must be found for the isolationism which results when non-resident officers patrol a community. Every supervisor, every manager must accept improved community communication as his personal responsibility. Likewise, every supervisor and every manager must take a personal role in assuring full, consistent, uniform compliance with department policy and procedure, and in the constant search for personal and departmental improvement. Police administrators must take action to assure that no supervisor or manager escapes this responsibility. Assigning supervisors to participate actively in an inspectional process would provide that assurance.

As this study progressed, several areas deserving further research were identified:

- 1- What will be the effect of modern technology, such as the installation of video and audio taping capability within police units, on police discipline?

- 2- Would an expansion of the Police Chaplain program, to assign chaplains to ride with police supervisors and monitor officer activity, impact police discipline?

Would it improve the Community perception of police attitudes and behavior?

- 3- Is there any correlation between the rate of misconduct complaints and the residency status of the concerned officer? (Do officers who live in the community they police have fewer personnel complaints than those who commute from outside the immediate area?)

APPENDICES

NOMINAL GROUP PARTICIPANTS

1. City Personnel Director
2. Assistant to the City Manager
3. Police Captain, Administrative Bureau Commander
4. Police Captain, former Internal Affairs Commander
5. Police Captain, Command College Graduate
6. Police Lieutenant, Command College Graduate, former
Personnel Sergeant
7. Police Lieutenant, Command College student, presently
assigned as Training Commander
8. Police Sergeant, former Internal Affairs Investigator

NOMINAL GROUP TECHNIQUE AND FORECASTING METHODOLOGY**NGT**

A statement of the Issue and Sub-Issues for this study were posted in front of the group and discussed to ensure uniform understanding of the topic. The NGT panel was then asked: **"What trends are likely to be related to, or affect, the issue/subissues that I have presented to you?"** Five minutes of silent idea-generation was observed, after which each panelist formulated their ideas in a brief phrase. Every suggested trend was recorded and posted before the group. After all ideas were documented, each was discussed for clarification purposes. The panel was then asked: **"Of all the trends on the list, which five are the most important?"** The panel then prioritized their individual "top five" choice on 3 x 5 cards. All votes were then tallied and the results posted in front of the group. The results were then discussed by the group and another individual vote was taken and scored. The result was a rank-ordered list of trends. (see Appendix B).

The panel was then asked: **"What events would probably have an impact upon the issue/subissues I have presented to you, should each event occur?"** After five minutes of individual reflection, the panel shared their input, and a list of all events was recorded and posted. The panel was then asked: **"Of all the events on the list, which five would be the most important if they were to occur?"** Each panelist prioritized their own "top five events" on separate 3 x 5 cards, which were then collected, tallied, and the results posted. After a

discussion of the results, a re-vote was taken. The result was a rank-ordered list of events (see Appendix C).

FORECASTING

The NGT panel then became a forecasting panel, using the list of trends and events that they had identified while working as an NGT panel. Using the top twelve trends, the panel was asked "For purposes of long-range strategic planning, how valuable would it be to have a really good long-range forecast of the trends on the list?" Using the Trend Scoring Form, each panelist rated the trends individually. Total panel scores were then tabulated from the individual scores, and a list of the top five target trends was posted (see Appendix B-1).

The panel was then asked to do a nominal forecast for each of the five target trends. Using the Trend Evaluation Forms, and with the ratio of Today = 100, each panelist indicated what they thought the trend level was five years ago, what it will be five and ten years from now, and what it should be five and ten years from now. The group results were then tallied, with the median forecast for each trend recorded (see Appendix B-2).

Using the top five events as identified in the NGT, the panel was then asked to individually forecast the probability of each event's occurrence and its impact on the Issue, if the event should occur. Both positive and negative impacts on the issue were rated. Each panelist was also asked to indicate the number of years before the probability of the event occurring would exceed zero. The panel totals were then tallied, and the median forecasts of the panel were posted (see Appendix C-1).

TRENDS LISTED BY RANK ORDER

<u>No.</u>	<u>Title of Trend</u>	<u>Points</u>
1.	Litigious Society	37
	- Punitive Damages	
	- Civil Rights Filings	
	- Lawfirms Specializing/Soliciting Police Malpractice Suits	
2.	Community Pressure	14
3.	Meet & Confer with Police Unions	13
	re: Policy, Procedure, Discipline	
	- Use of MOU in Personnel Matters	
	- Bargaining to Determine Performance Standards	
4.	Confrontational Discipline	12
	- Union Power	
5.	Impact of the Civil Service System	10
6.	Statutory/Case Law	8
	- State Legislation to Control Police Conduct	
7.	Increased Impact of Off-Duty Behavior	8
8.	Employer's Liability re: Negligence	6
	- Burden on Employer to Defend their Actions	
9.	Expectations, Values, Ethics in Action	5
10.	Intense Media Coverage	4
11.	Establishment of Lay Review Boards (Policy/Procedures)	4
12.	Employee Involvement	2
13.	Rehabilitation v/ Discipline	2
	- Use of "stress retirements" to resolve discipline	
14.	Use of Video Cameras by the Public	1
15.	Cultural Diversity in the Workplace	1
16.	Salary Limitations due to Economy	
17.	Lack of Respect for Authority	
18.	Use of Internal Promotional Boards	
19.	Communicable Disease Concerns	
20.	Females in Power	
21.	Less Qualified Personnel Entering the Field	
22.	Changing Work Ethics	
	- Lack of Identification with the Community Served	
23.	Need for Specialized Skills	
24.	More Violent Society	
25.	Affirmative Action / Americans with Disabilities Act	

TABLE 1.-Trend Screening

CANDIDATE TRENDS in RANK ORDER		FOR PURPOSES OF TOP-LEVEL STRATEGIC PLANNING HOW VALUABLE WOULD IT BE TO HAVE A REALLY GOOD LONG-RANGE FORECAST OF THE TREND? *				
		Priceless	Very Helpful	Helpful	Not Very Helpful	Worthless
#						
1	Litigious Society	6	2			
2	Community Pressure	1	7			
3	Meet & Confer with Police Unions re: Policy/Procedure/Discipline	1	5	2		
4	Confrontational Discipline	1	4	2		
5	Impact of the Civil Service System	3	2	3		

* Panel total for each estimate category.

TABLE 2.-Trend Evaluation

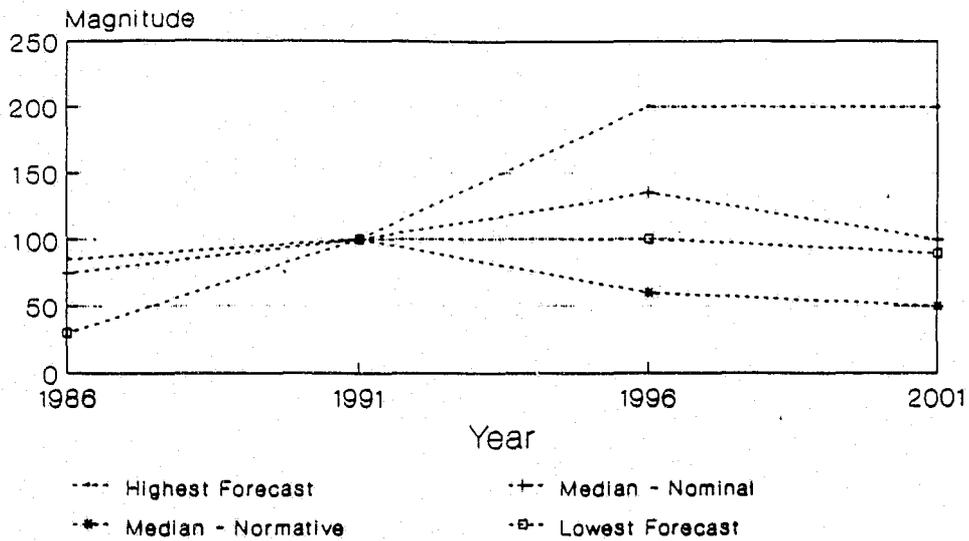
Trend #	TREND STATEMENT (Abbreviated)	LEVEL OF THE TREND ** (Today = 100)			
		5 Years Ago	Today	* Five years from now	* Ten years from now
1	Litigious Society	75	100	135 / 60	100 / 50
2	Community Pressure	50	100	120 / 63	120 / 68
3	Meet and Confer with Police Unions re: Policy/Procedures	78	100	115 / 90	140 / 90
4	Confrontational Discipline	78	100	115 / 60	120 / 50
5	Impact of the Civil Service System	50	100	105 / 75	115 / 75
			100		
			100		
			100		
			100		
			100		

** Panel Medians N=8

* Five years from now "will be" / "should be"

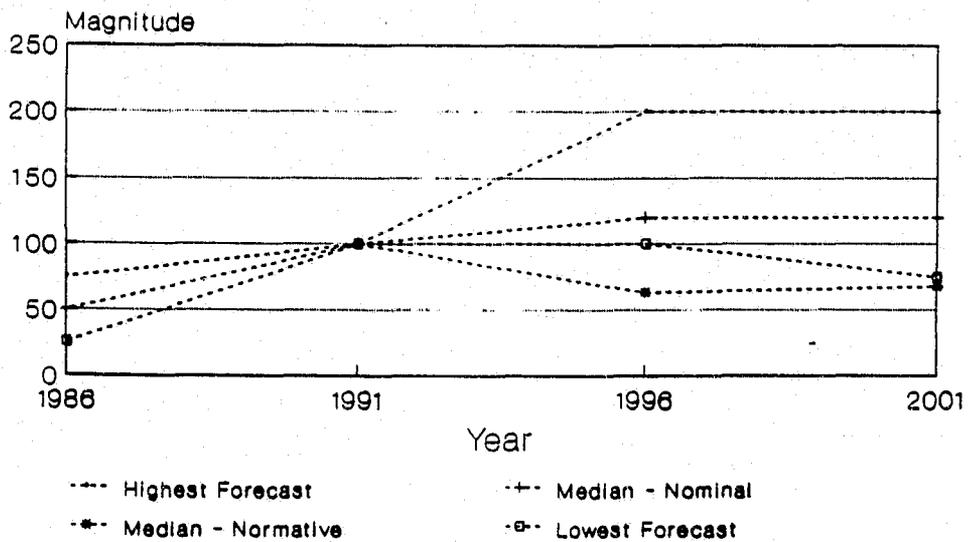
* Ten years from now "will be" / "should be"

T-1 Litigious Society



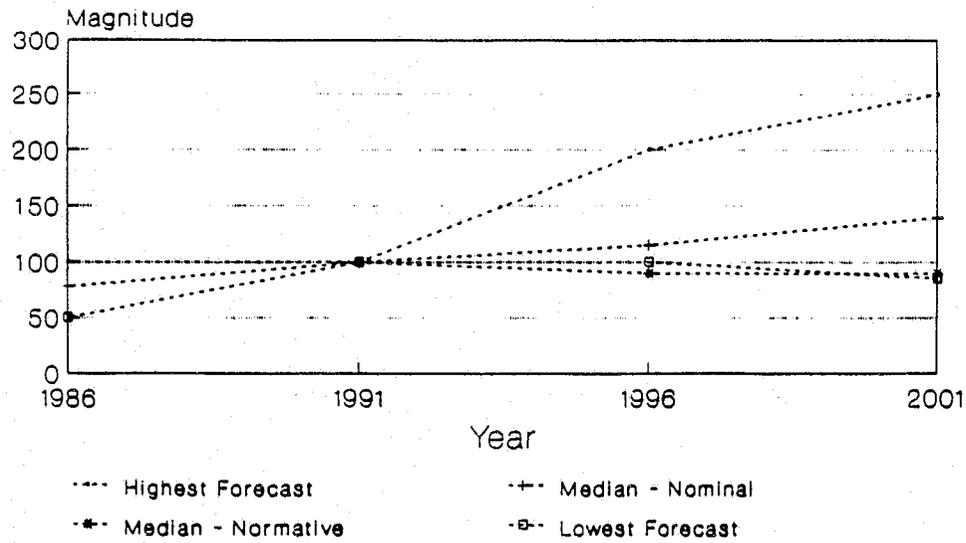
N=8

T-2 Community Pressure



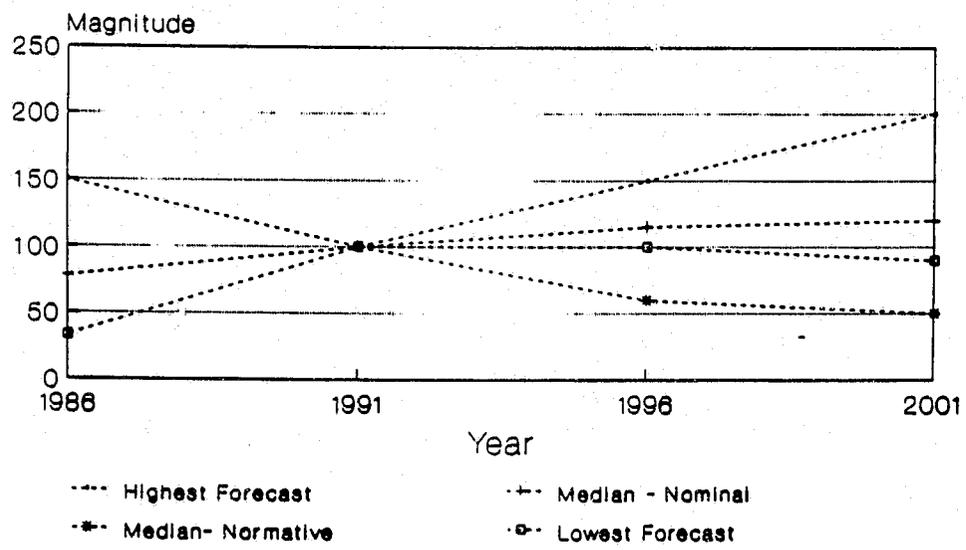
N=8

T-3 Meet and Confer



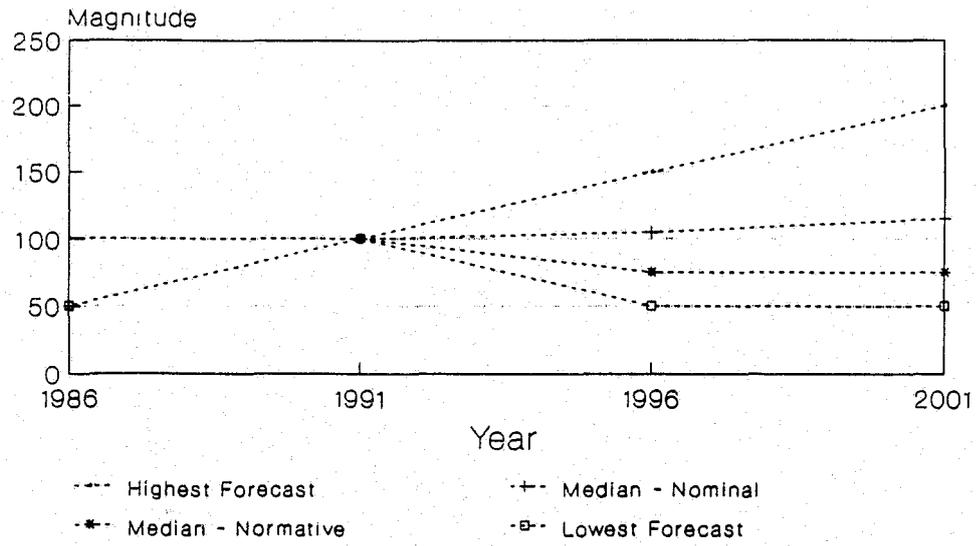
N=8

T-4 Confrontational Discipline



N=8

T-5 Impact of Civil Service System



N=8

EVENTS LISTED BY RANK ORDER

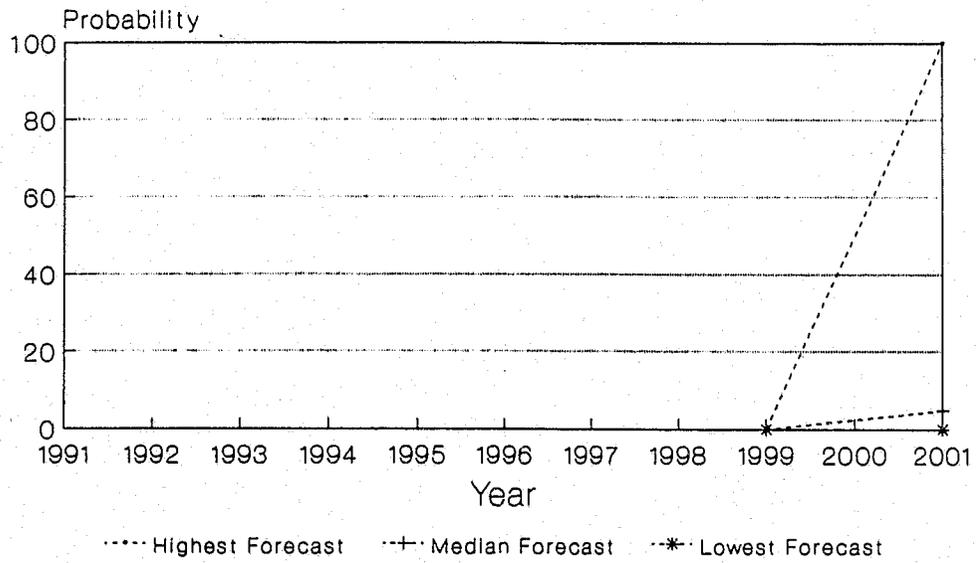
<u>No.</u>	<u>Title of Event</u>	<u>Points</u>
1.	Elimination of the Civil Service System	20
2.	Changes in Police Officer Bill of Rights (AB 301)	20
3.	Employee Contracts for Hiring - Management Rights Strengthened	16
4.	Limitation of City's Tort Liability in Police Suits	15
5.	Establishment of Police Commissions/Civilian Review Boards in every City	13
6.	Police Unions and Management Agree on Disciplinary Menu	9
7.	Punitive Damage Awards Increase - City refuses to pay Police Officer's punitive damages	9
8.	MOU Provisions for Misconduct - a System of Fines - Option to work on scheduled days off in lieu of being placed off-duty at home without pay	8
9.	State-wide Police Union Organized - All Police Unions Disbanded	8
10.	City Councils Become More Management-Oriented - Pro-Active, Anti-Police	8
11.	Major Economic Change (Depression or Boom)	4
12.	Entry Level Standards Lowered	4
13.	Employee Wins Judgment Against the Chief re: Discipline	
14.	Binding Arbitration Enacted	
15.	Change in Workers Compensation Laws	
16.	Selection of Civil Service Commissioners Based on Objective Job Criteria	
17.	Police Granted the Right to Strike	
18.	Racial Incident Occurs Within Police Department	
19.	City Taken over by Federal Government due to Failure to Meet Affirmative Action Requirements	
20.	"Megatropolis" Concept Enacted	
21.	Repeal of Attorney's Right to Advertise	
22.	No Applicants for Police Officer Positions	
23.	50% of the Population Stricken with AIDS/HIV	
24.	Another "Rodney King Incident" Occurs	
25.	City Declares Bankruptcy	
26.	Attorney Lobbies Lose Power	
27.	Corruption Scandal in Police Department	
28.	Scientific Breakthrough to Modify Behavior Patterns	
29.	Federal Changes to the Civil Rights Bill	
30.	Non-lethal Weapons Replace All Lethal Police Weapons	
31.	Video Cameras Installed in All Police Vehicles	
32.	Law Enacted Prohibiting Lawsuits Against Police Agencies for Death/Injury of a Suspect During the Commission of a Crime	
33.	"Truth in News" and "Truth in Informant" Laws Enacted	

TABLE 3.-Event Evaluation

Event #	EVENT STATEMENT	* YEARS UNTIL PROBABILITY FIRST EXCEEDS ZERO	* PROBABILITY		IMPACT ON THE ISSUE AREA IF THE EVENT OCCURRED	
			Five Years From Now (0-100%)	Ten Years From Now (0-100%)	* POSITIVE (0-10 scale)	* NEGATIVE (0-10 scale)
1	Elimination of Civil Service	20	0	3	8	5
2	Changes in Police Officer Bill of Rights	3	50	85	9	5
3	Employee Contracts for Hiring	3	40	65	9	2
4	Limitation of City's Tort Liability	5	35	75	7	0
5	Establishment of Police Commissions/ Civilian Review Boards in Every City	3	50	80	5	5

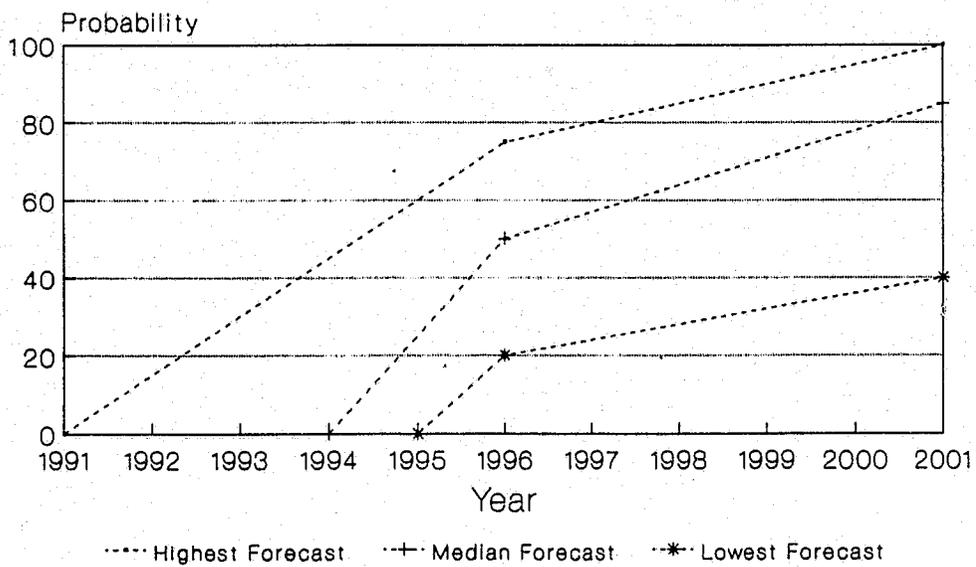
* Panel Medians N=8

E-1 Elimination of Civil Service



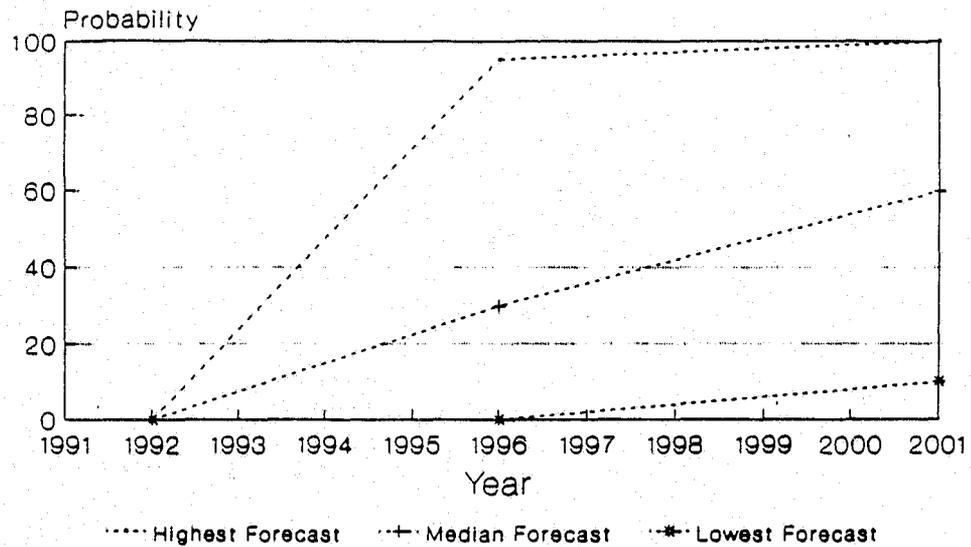
N=8

E-2 Changes in AB 301



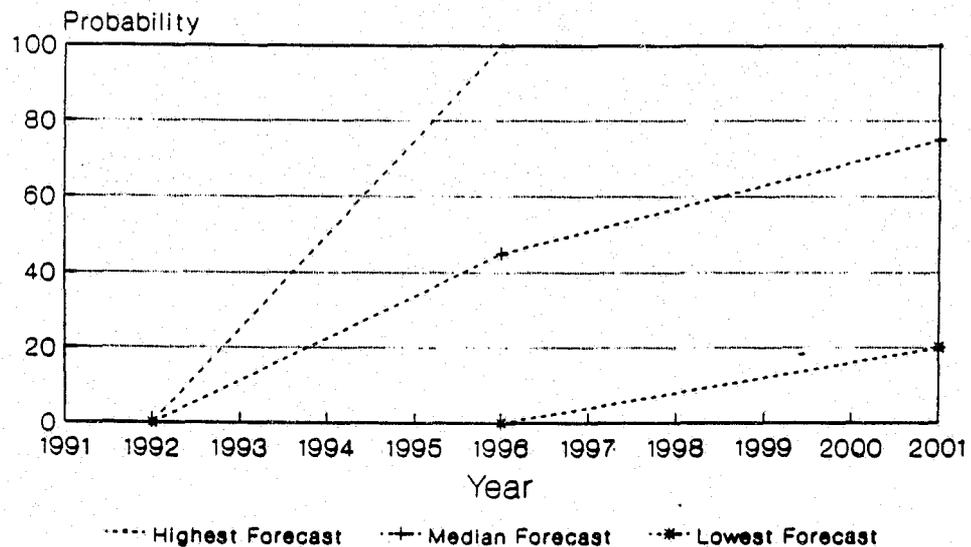
N=8

E-3 Employee Contracts for Hiring



N=8

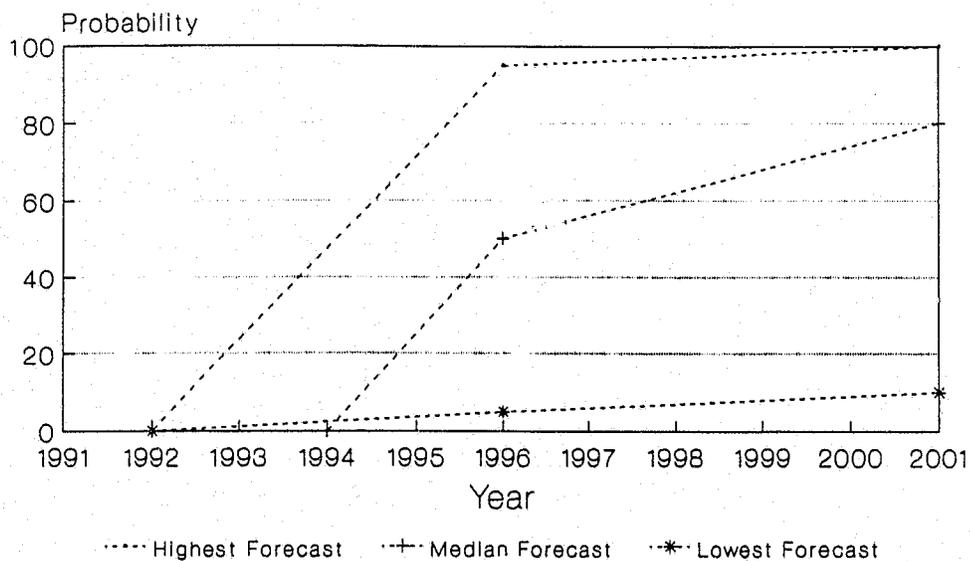
E-4 Limitation of City's Tort Liability



N=8

E-5

Police Commission Established



N=8

TABLE 4.- Cross Impact Evaluation

MATRIX															Maximum Impact (% change ±) Years to Maximum	"IMPACT" TOTALS
Panel Consensus N=3																
**	E1	E2	E3	E4	E5	E6	E7	T1	T2	T3	T4	T5	T6	T7		
E1	---	---	+30	---	+80	---	---	---	---	+90	+60	-100	---	---	E1 5	
E2	---	---	---	+15	---	---	---	---	---	+50	+60	+30	---	---	E2 4	
E3	+60	-40	---	---	---	---	---	---	-15	+30	+50	-25	---	---	E3 6	
E4	---	---	---	---	-20	---	---	-55	+80	---	---	---	---	---	E4 3	
E5	+90	+50	---	---	---	---	---	-20	-60	+60	+90	-75	---	---	E5 7	
E6	---	---	---	---	---	---	---	---	---	---	---	---	---	---	E6 --	
E7	---	---	---	---	---	---	---	---	---	---	---	---	---	---	E7 --	
"IMPACTED" TOTALS																
	E1	E2	E3	E4	E5	E6	E7	T1	T2	T3	T4	T5	T6	T7		
	2	2	1	1	2	—	—	2	3	4	4	4	—	—		

**** Legend**

E1 Elimination of Civil Service
 E2 Changes-Police Bill of Right
 E3 Employee Hiring Contracts
 E4 Limit City Tort Liability
 E5 Establish. Police Commissions/Civilian Review Boards

T1 Litigious Society
 T2 Community Pressure
 T3 Meet & Confer
 T4 Confrontational Discipline

T5 Impact of Civil Service

MODIFIED POLICY DELPHI METHODOLOGY

In order to select the most appropriate policy in terms of feasibility and desirability, while identifying a broad range of opinions regarding these policies, a Modified Policy Delphi process was utilized. The Delphi panel consisted of eight police managers, including two with extensive experience as police labor union representatives.

The Issue and Sub-Issues to be addressed by this study were first explained to the Delphi panel. Each panel member was then asked to suggest a policy or strategy which would deal with these issues in a future environment. All suggestions were recorded and discussed to ensure a consistent understanding.

Each panel member was then provided with a Rating Sheet on which they would score the desirability and feasibility of each of the suggested policy alternatives on a scale of 1 to 4. The individual score sheets were then tallied to determine a total panel score. The two highest policy alternatives were retained, in addition to the policy alternative which had the widest range of scores from the panel members.

After discussing these remaining three policy alternatives in greater detail, the Delphi panel again voted individually to score the last three policy alternatives in terms of feasibility and desirability, with the results announced to the panel.

MODIFIED POLICY DELPHI RATING FORM**FEASIBILITY:**

Definitely Feasible
(scores 3 points)

- * no hindrance to implementation
- * no R & D required
- * no political roadblocks
- * acceptable to the public

Possibly Feasible
(scores 2 points)

- * indication this is implementable
- * some R & D still required
- * further consideration to be given to political or public reaction

Possibly Infeasible
(scores 1 point)

- * some indication unworkable
- * significant unanswered questions

Definitely Infeasible
(scores no points)

- * all indications are negative
- * unworkable
- * cannot be implemented

DESIRABILITY:

Very Desirable
(scores 3 points)

- * will have positive effect and little or no negative effect
- * extremely beneficial
- * justifiable on its own merits

Desirable
(scores 2 points)

- * will have positive effect, negative effects are minor
- * beneficial
- * justifiable as a by-product or in conjunction with other items

Undesirable
(scores 1 point)

- * will have a negative effect
- * harmful
- * may be justified only as a by-product of a very desirable item

Very Undesirable
(scores no points)

- * will have a major negative effect
- * extremely harmful

RATING SHEET FOR POLICY DELPHI
Scores rated by a panel of 8

Alternative 1: Publishing a Disciplinary Menu
Feasibility: 15
Desirability: 17
Total Score = 32

Alternative 2: Adopting Total Quality Management
Feasibility: 14
Desirability: 16
Total Score = 30

Alternative 3: Internal Disciplinary Review Board
Feasibility: 15
Desirability: 15
Total Score = 30

Alternative 4: Supervisory Development Plan
Feasibility: 21
Desirability: 22
Total Score = 43

Alternative 5: Community Outreach
Feasibility: 13
Desirability: 11
Total Score = 24

Alternative 6: Employment Contracts
Feasibility: 11
Desirability: 10
Total Score = 21

Alternative 7: Internal Inspectional Process
Feasibility: 17
Desirability: 19
Total Score = 36

Alternative 8: After Action Reviews
Feasibility: 19
Desirability: 16
Total Score = 35

COMMITMENT PLANNING CHART

CRITICAL MASS	POSITION ON THE ISSUE			
	BLOCK IT	LET IT HAPPEN	HELP IT HAPPEN	MAKE IT HAPPEN
CHIEF OF POLICE			X ←	○
ADMINISTRATIVE BUREAU CMDR		○ →		X
COMMAND STAFF	○ →	X		
POLICE ASSOCIATION BOARD	○ →		X	
CITY MANAGER		X ←		○
○ = Current Position				
X = Desired Position				

RESPONSIBILITY CHART

Inspectional Process Design Committee	Define Values Management Commitment Employee Commitment Selection Process Performance Standards Rating System/Form Process Evaluation						
Admin. Bureau Commander	R	R	-	A	A	I	R
Internal Affairs Sergeant	S	-	S	I	R	S	S
Research Officer	S	-	S	R	I	A	S
Crime Analyst	I	-	S	I	I	R	S
Lead Jailer	I	-	S	I	I	I	I
Patrol Officer	I	-	S	I	I	I	I
Motor Officer	I	-	S	I	I	I	I
Juvenile Sergeant	I	-	S	I	I	I	I
Vice/Narcotics Lieutenant	I	S	S	I	I	I	I
TPOA Vice President	A	-	R	S	S	I	S
Dispatcher (AFSCME Rep)	A	-	R	S	S	I	S
Records Clerk (TCEA Rep)	A	-	R	S	S	I	S
Emerg Svc Analyst (TPSA Rep)	A	-	R	S	S	I	S

R = Responsibility

I = Informed/Consulted

A = Approval/Veto Power

- = Unrelated

S = Support/Provide Resources

TPOA = Torrance Police Officers Association

AFSCME = AFLCIO Civilian Employee Union

TCEA = Civilian Employee Union (Secretaries)

TPSA = Civilian Professional/Supervisory Union

ENDNOTES

- 1 As reported by POST Senior Consultant Russ Kinderman, an attendee at the lecture.
- 2 The Los Angeles Times, June 16, 1991
"LAPD Method of Handling Complaints is Under Fire" by Sheryl Stolberg
- 3 The Daily Breeze, May 27, 1991
"Just Say No to Kids" by Faizah Alim
- 4 The Daily Breeze, August 19, 1991
"Companies Find Alternatives to Firing Problem Employees" by Bea Nyburg
- 5 California Peace Office Magazine, December 1989
"Police Misconduct Litigation: Epidemic or Cure?" by Bob Harrison
- 6 Law and Order Magazine, November 1991
"I.A.D." by Mike Vowell
- 7 Chief of Police Magazine, May/June 1991
"When Police Discipline Breaks Down" by Helen Wyatt and Michael D. Maxwell
- 8 The Police Chief Magazine, July 1991
"The Civilian Review Board: Setting a Goal for Future Obsolescence" by Commissioner Lee P. Brown, NYPD
- 9 Governing Magazine, August 1991
"Police Accountability and the Dirty Deal" by Mark H. Moore

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